

### **EXAMINER'S AMENDMENT**

Claims 1-4, 6, 26-28, 30, 58-59, 70-71, 98, 102, 107, 109, 111-112 and 114-119 are allowed.

#### ***Examiner's amendment***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert C. Morriss on 18 June 2009.

The application has been amended as follows:

**Replace all previous paragraphs at page 1, lines 3-6, of the specification with the paragraph on page 3 of this examiner's amendment.**

**Replace all previous claim lists with the list beginning on page 4 of this examiner's amendment.**

Claims 111-112, 114 and 116-117 have been amended.

Claims 5, 7-22, 29, 31, 33-57, 60-65, 69, 72-97, 99-100, and 103-106 were previously cancelled.

Claims 23-25, 32, 66-68, 101, 108, 110 and 113 have been cancelled by this examiner's amendment.

Claims 1-4, 6, 26-28, 30, 58-59, 70-71, 98, 102, 107, 109, 111-112 and 114-119 are allowed.

*Begin amendment to the specification*

Replace all previous paragraphs at page 1, lines 3-6, of the specification with the paragraph as follows:

The present application is a continuation of International Patent Application No. PCT/SE98/01101, filed on 08 June 1998, and now abandoned, which claims priority of European [[Swedish]] Patent Application No. 97850092.4, filed on June 9, 1997, and U.S. Provisional Patent Application No. 601049,240, filed on June 9, 1997.

*End amendment to the specification*

*Begin claim amendments List*

1. (Previously Presented) A process for preparing an aqueous polysilicate microgel which comprises mixing

(i) an aqueous solution of alkali metal silicate with

(ii) an aqueous phase of silica-based material having a pH within the range of from 7 to 11, which is selected from the group consisting of silica-based sols, fumed silica, silica gels, precipitated silicas and acidified solutions of alkali metal silicates, and

(iii) a metal salt other than an aluminum salt, wherein the metal salt is based on an alkali metal or alkaline earth metal and has an anion selected from of the group consisting of borate, nitrate, chloride, formate and acetate,

wherein the polysilicate microgel has a specific surface area of at least 1000 m<sup>2</sup>/g.

2. (Previously Presented) The process of claim 1, wherein the metal salt is based on an alkali metal or alkaline earth metal and it has an anion, and the anion is borate, nitrate or acetate.

3. (Original) The process of claim 1, wherein the metal salt is a borate.

4. (Original) The process of claim 1, wherein the polysilicate microgel obtained has a molar ratio SiO<sub>2</sub>:M<sub>2</sub>O, where M is alkali metal, between 3:1 and 20:1.

5. (Cancelled).

6. (Original) The process of claim 1, wherein the aqueous polysilicate microgel obtained has a SiO<sub>2</sub> content of at least 5% by weight.

7. - 25. (Cancelled).

26. (Previously Presented) A process for preparing an aqueous polysilicate microgel which comprises mixing

(i) an aqueous solution of alkali metal silicate with

(ii) an aqueous phase of silica-based material having a pH within the range of from 7 to 11, which is selected from the group consisting of silica-based sols, fumed silica, silica gels, precipitated silicas and acidified solutions of alkali metal silicates, and

(iii) a metal salt, wherein the aqueous polysilicate microgel obtained has a molar ratio of  $\text{SiO}_2:\text{M}_2\text{O}$ , where M is alkali metal, between 3:1 and 20:1,

wherein the polysilicate microgel has a specific surface area of at least 1000  $\text{m}^2/\text{g}$ .

27. (Original) The process of claim 26, wherein the salt is a metal salt other than an aluminium salt and based on an alkali metal or alkaline earth metal.

28. (Original) The process of claim 27, wherein the salt is a borate.

29. (Cancelled).

30. (Previously Presented) The process of claim 26, wherein the aqueous polysilicate microgel obtained has a  $\text{SiO}_2$  content of at least 15% by weight.

31.- 57. (Cancelled).

58. (Previously Presented) The process of claim 1, wherein the aqueous polysilicate microgel prepared by the process is anionic.

59. (Previously Presented) The process of claim 1, further comprising a step of diluting the aqueous polysilicate microgel by adding an aqueous solution or suspension.

60. - 69. (Cancelled).

70. (Previously Presented) The process of claim 26, wherein the aqueous polysilicate microgel prepared by the process is anionic.

71. (Previously Presented) The process of claim 26, further comprising a step of diluting the aqueous polysilicate microgel by adding an aqueous solution or suspension.

72.-97. (Cancelled).

98. (Previously Presented) The process of claim 1, wherein the aqueous solution of alkali metal silicate, component (i), has a pH of at least about 13.

99.- 101. (Cancelled).

102. (Previously Presented) The process of claim 26, wherein the aqueous solution of alkali metal silicate, component (i), has a pH of at least about 13.

103. -106. (Cancelled).

107. (Previously Presented) The process of claim 1, wherein the aqueous phase of silica-based material, component (ii), has a pH of up to 10.6.

108. (Cancelled).

109. (Previously Presented) The process of claim 26, wherein the aqueous phase of silica-based material, component (ii), has a pH of up to 10.6.

110. (Cancelled).

111. (Currently Amended) The process of claim 26 **[[23]]**, wherein the aqueous polysilicate microgel obtained has a SiO<sub>2</sub> content of at least 5% by weight.

112. (Currently Amended) The process of claim 6 **[[111]]**, wherein the aqueous polysilicate microgel obtained has a SiO<sub>2</sub> content of at least 15% by weight.

113. (Cancelled).
114. (Currently Amended) The process of claim 26 ~~[[23]]~~, further comprising mixing components (i) and (ii) with (iii) an aluminium salt.
115. (Previously Presented) The process of claim 114, wherein the aluminium salt, component (iii), is sodium aluminate.
116. (Currently Amended) The process of claim 26 ~~[[23]]~~, wherein the aqueous solution of alkali metal silicate, component (i), is an aqueous solution of sodium silicate.
117. (Currently Amended) The process of claim 26 ~~[[23]]~~, wherein the aqueous phase of silica- based material, component (ii), is an acidified solution of an alkali metal silicate.
118. (Previously Presented) The process of claim 117, wherein the acidified solution of an alkali metal silicate, component (ii), is sodium silicate.
119. (Previously Presented) The process of claim 117, wherein the acidified solution of an alkali metal silicate, component (ii), is an alkali metal silicate that has been both acidified and aluminated.

*End claim amendments List*

***Reasons for allowance***

2. The following is an examiner's statement of reasons for allowance: the prior art does not disclose the claimed process steps resulting in polysilicate microgel with a specific surface area of at least  $1000 \text{ m}^2/\text{g}$ .

The cross-noting section of the specification has been amended to correct status of the PCT. See MPEP 1895.01. The cross-noting section of the specification has also been amended to correct the reference to the correct foreign application set forth in the declaration filed 03/19/2001. Since the application was filed under 35 USC 111 prior to November 29, 2000, the amendment to the specification is proper and the changes of 37 CFR 1.55 after that date do not apply. See MPEP 201.13.

WO 98/56715, corresponding to PCT/SE98/01101, filed internationally on 8 June 1998 has been provided on the PTO-892. WO 98/56715 sets forth foreign priority data to consist of EP 978500092.4, filed 09 June 1997, and US 60/049240, filed 09 June 1997.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Metzmaier whose telephone number is (571) 272-1089. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Daniel S. Metzmaier/  
Primary Examiner, Art Unit 1796**

DSM